

SENATE BILL 859

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M1

2004 Regular Session  
4lr2754  
CF 4lr0616

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By: **Senator Astle (Department of Natural Resources Special Funds  
Workgroup)**

Introduced and read first time: February 23, 2004

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Department of Natural Resources - Administration of Special Funds and**  
3 **Accounts**

4 FOR the purpose of establishing certain administrative provisions for certain special  
5 funds and accounts that are under the authority of the Department of Natural  
6 Resources; specifying the disposition of any unspent balances and investment  
7 earnings of certain special funds and accounts administered by the Department;  
8 specifying and clarifying the purposes of, accounting procedures for, financing  
9 for, authorized uses of, and investment and disbursement standards for certain  
10 special funds and accounts administered by the Department; establishing the  
11 State Boat Act Fund; establishing certain administrative provisions for the  
12 State Boat Act Fund; correcting a certain cross-reference; making certain  
13 stylistic changes and technical corrections; defining certain terms; and generally  
14 relating to administrative provisions for special funds and accounts that are  
15 under the authority of the Department of Natural Resources.

16 BY repealing and reenacting, with amendments,  
17 Article - Natural Resources  
18 Section 1-702, 3-302, 4-208, 4-209, 5-103(d) and (e), 5-209(b), 5-212, 5-212.1,  
19 5-215, 5-307, 5-908, 5-908.1, 5-909, 5-1610, 8-723, 8-1005, 10-209, and  
20 10-301(n)  
21 Annotated Code of Maryland  
22 (2000 Replacement Volume and 2003 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Natural Resources**

26 1-702.

27 (a) IN THIS SECTION, "FUND" MEANS THE STATE CHESAPEAKE BAY AND  
28 ENDANGERED SPECIES FUND.

1 (B) There is a State Chesapeake Bay and Endangered Species Fund.

2 [(b)] (C) (1) The net proceeds from contributions under the income tax  
3 checkoff system [and], any other donations to the Fund, AND INVESTMENT  
4 EARNINGS OF THE FUND shall be credited to the Fund.

5 (2) The Secretary shall administer the Fund.

6 (3) The Fund shall be used only as provided in §§ 1-703 through 1-705 of  
7 this subtitle.

8 (4) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
9 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

10 (5) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE  
11 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

12 (6) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE  
13 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
14 REMAIN IN THE FUND.

15 (7) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN  
16 ACCORDANCE WITH THE STATE BUDGET.

17 [(c)] (D) The Fund shall be maintained for the purposes stated in this subtitle  
18 and unspent portions of the Fund shall remain in the Fund and may not revert to the  
19 General Fund of the State.

20 [(d)] (E) Moneys expended from the Fund for the Chesapeake Bay Trust and  
21 Endangered Species Conservation Programs are supplemental and are not intended  
22 to take the place of funding that would otherwise be appropriated to the Department  
23 of Natural Resources for the Trust or for those Programs.

24 3-302.

25 (a) There is an Environmental Trust Fund. For the purpose of this subtitle,  
26 there is established as an added cost of electricity distributed to retail electric  
27 customers within the State, an environmental surcharge per kilowatt hour of electric  
28 energy distributed in the State to be paid by any electric company as defined in §  
29 1-101 of the Public Utility Companies Article. The Public Service Commission shall  
30 impose the surcharge per kilowatt hour of electric energy distributed to retail electric  
31 customers within the State and shall authorize the electric companies to add the full  
32 amount of the surcharge to retail electric customers' bills. To the extent that the  
33 surcharge is not collected from retail electric customers, the surcharge shall be  
34 deemed a cost of distribution and shall be allowed and computed as such, together  
35 with other allowable expenses, for rate-making purposes. Revenues from the  
36 surcharge shall be collected by the Comptroller and placed in the Fund.

37 (b) (1) The Secretary, in consultation with the Director of the Maryland  
38 Energy Administration, annually shall coordinate the preparation of a budget

1 required to carry out the provisions of this subtitle. Upon approval of the budget by  
2 the General Assembly, the Public Service Commission shall establish the amount of  
3 the surcharge per kilowatt hour for the fiscal year beginning July 1, 1972, and for  
4 each subsequent fiscal year.

5 (2) Notwithstanding any other provisions of this subtitle, the amount of  
6 the surcharge for each account for each retail electric customer may not exceed the  
7 lesser of 0.15 mill per kilowatt hour or \$1,000 per month and the surcharge may not  
8 continue beyond fiscal year 2005.

9 (3) The Comptroller shall maintain the method of collection of the  
10 surcharge from the companies and the collections shall accrue to the Fund. The  
11 Department shall credit against the amount required to be paid into the  
12 Environmental Trust Fund by each electric company an amount equal to 0.75% of the  
13 total surcharge attributed to each company on the basis of the electricity distributed  
14 within Maryland.

15 (c) The Secretary shall administer the Fund. The Fund is subject to the  
16 provisions for financial management and budgeting established by the Department of  
17 Budget and Management. THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
18 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE. ANY  
19 INVESTMENT EARNINGS OF THE FUND MAY NOT BE TRANSFERRED OR REVERT TO  
20 THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND. The moneys  
21 in the Fund shall be used to carry out the provisions of this subtitle as provided for in  
22 the budget, except that 10% of all moneys accruing to the Fund from July 1, 1978  
23 through June 30, 1983 shall be used to supplement funds necessary to carry out the  
24 duties of the People's Counsel of the Public Service Commission. The People's Counsel  
25 shall submit an annual budget of necessary supplemental funds to the Department to  
26 be incorporated in the Department's budget. For the purposes of this subtitle, the  
27 Secretary, in consultation with the Director of the Maryland Energy Administration,  
28 may execute appropriate contracts with any State or federal agency, research  
29 organization, industry, or academic institution to conduct the necessary research,  
30 construct or acquire, or both, real property including physical predictive models,  
31 laboratories, buildings, land, and appurtenances, or support the technological  
32 development of extraordinary systems related to power plants designed to minimize  
33 environmental impact. The Secretary may utilize available expertise in any other  
34 State unit in the development, execution, and management of contracts and  
35 agreements on projects relating to their areas of prime responsibility.

36 (d) (1) The Maryland Energy Administration shall receive administrative  
37 and fiscal support from the Fund for studies relating to the conservation or  
38 production of electric energy.

39 (2) Fiscal support to the Maryland Energy Administration from the  
40 Fund may not exceed \$250,000 in any fiscal year.

41 (e) The Legislative Auditor shall conduct post audits of a fiscal and  
42 compliance nature of the Fund and of the appropriations and expenditures made for

1 the purposes of this subtitle. The cost of the fiscal portion of the post audit  
2 examinations shall be an operating cost of the Fund.

3 4-208.

4 [There is a State Fisheries Management and Protection Fund in the  
5 Department. Any money received from any fish and fisheries license, stamp, permit,  
6 or application fee as provided in this title, unless otherwise provided shall be credited  
7 to the Fund and used only for the scientific investigation, protection, propagation, and  
8 management of nontidal finfish.]

9 (A) IN THIS SECTION, "FUND" MEANS THE STATE FISHERIES MANAGEMENT  
10 AND PROTECTION FUND.

11 (B) THERE IS A STATE FISHERIES MANAGEMENT AND PROTECTION FUND IN  
12 THE DEPARTMENT.

13 (C) THE PURPOSE OF THE FUND IS TO FINANCE THE SCIENTIFIC  
14 INVESTIGATION, PROTECTION, PROPAGATION, AND MANAGEMENT OF NONTIDAL  
15 FINFISH.

16 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

17 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
18 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

19 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
20 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

21 (F) THE FUND CONSISTS OF:

22 (1) ANY MONEY RECEIVED FOR A FISH AND FISHERIES LICENSE, STAMP,  
23 PERMIT, OR APPLICATION FEE UNDER THIS TITLE, UNLESS OTHERWISE PROVIDED;  
24 AND

25 (2) ANY INVESTMENT EARNINGS OF THE FUND.

26 (G) THE FUND MAY BE USED ONLY FOR THE SCIENTIFIC INVESTIGATION,  
27 PROTECTION, PROPAGATION, AND MANAGEMENT OF NONTIDAL FINFISH.

28 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE  
29 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

30 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE  
31 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
32 REMAIN IN THE FUND.

33 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE  
34 WITH THE STATE BUDGET.

1 4-209.

2 (a) IN THIS SECTION, "FUND" MEANS THE FISHERIES RESEARCH AND  
3 DEVELOPMENT FUND.

4 (B) There is a Fisheries Research and Development Fund in the Department.

5 [(b) Any money the State Comptroller receives under the provisions of this title  
6 from commercial licenses, permits, and service fees, taxes, and royalties paid to the  
7 State for oyster shells and clam shells removed from the bottom beneath the tidal  
8 waters of the State, from the sale of seed oysters under § 4-1103 of this title, or any  
9 source, together with any fine or forfeiture collected under § 4-1202 of this title, shall  
10 be credited to the Fisheries Research and Development Fund.

11 (c) Subject to the limitations described in §§ 4-701(i), 4-1020, 4-1028 and  
12 4-1035, the Fund shall be used for replenishing fisheries resources, related research,  
13 and to match federal funds available for research and development of fisheries  
14 resources.]

15 (C) THE PURPOSE OF THE FUND IS TO:

16 (1) FINANCE THE REPLENISHMENT OF FISHERIES RESOURCES AND  
17 RELATED RESEARCH; AND

18 (2) MATCH FEDERAL FUNDS AVAILABLE FOR RESEARCH AND  
19 DEVELOPMENT OF FISHERIES RESOURCES.

20 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

21 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
22 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

23 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
24 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

25 (F) THE FUND CONSISTS OF:

26 (1) ANY MONEY RECEIVED UNDER THIS TITLE FOR:

27 (I) COMMERCIAL LICENSES AND PERMITS;

28 (II) SERVICE FEES, TAXES, AND ROYALTIES PAID TO THE STATE  
29 FOR OYSTER SHELLS AND CLAM SHELLS REMOVED FROM THE BOTTOM BENEATH  
30 THE TIDAL WATERS OF THE STATE;

31 (III) THE SALE OF SEED OYSTERS UNDER § 4-1103 OF THIS TITLE;  
32 AND

33 (IV) ANY FINE OR FORFEITURE COLLECTED UNDER § 4-1202 OF THIS  
34 TITLE;

1 (2) ANY INVESTMENT EARNINGS OF THE FUND; AND

2 (3) MONEY RECEIVED FROM ANY OTHER SOURCE.

3 (G) SUBJECT TO §§ 4-701(N), 4-1020, 4-1028, AND 4-1035 OF THIS TITLE, THE  
4 FUND MAY BE USED FOR:

5 (1) REPLENISHING FISHERIES RESOURCES AND RELATED RESEARCH;  
6 AND

7 (2) MATCHING FEDERAL FUNDS AVAILABLE FOR RESEARCH AND  
8 DEVELOPMENT OF FISHERIES RESOURCES.

9 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE  
10 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

11 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE  
12 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
13 REMAIN IN THE FUND.

14 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE  
15 WITH THE STATE BUDGET.

16 5-103.

17 (d) [(1)] If the constructing agency is unable to locate a sufficient amount of  
18 State or other publicly owned land or available forest mitigation bank credits to  
19 comply with the requirements of subsection (c) of this section, the constructing agency  
20 shall contribute money, at the rate of 10 cents per square foot of the area of required  
21 planting, to [a special fund to be maintained in the Department and to be known as]  
22 the Reforestation Fund ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION.

23 [(2) There is a Reforestation Fund in the Department.]

24 (e) [(1) Money deposited in the Reforestation Fund:

25 (i) Shall remain in the Fund until appropriated and spent; and

26 (ii) May not revert to the General Fund.

27 (2) (i) 1. Except as provided in item 2 of this subparagraph, the  
28 Department shall use the Reforestation Fund solely to plant trees on State or other  
29 publicly owned lands located in the county and watershed in which construction  
30 projects giving rise to Fund contributions are located.

31 2. If reforestation cannot be reasonably accomplished in the  
32 county and watershed in which the construction activity is located, then the  
33 Department may use the Reforestation Fund to plant trees on State or other publicly  
34 owned lands located in the county or in the watershed in the State in which the  
35 construction activity is located, or to purchase credits in, establish, or maintain a  
36 forest mitigation bank in the county or watershed in which the construction activity is

1 located in accordance with regulations of the Department. The Reforestation Fund  
2 may not be used to finance administrative activities associated with a mitigation  
3 bank and any credits created by the Reforestation Fund may not be sold to  
4 compensate for additional forest impacts.

5 (ii) 1. The Department shall accomplish the reforestation for  
6 which money is deposited in the Reforestation Fund within 1 year or 2 growing  
7 seasons after project completion, as appropriate, after receipt of the money.

8 2. Money deposited in the Reforestation Fund under  
9 subsection (d) of this section shall remain in the Fund for a period of 1 year or 2  
10 growing seasons, and at the end of that time period, any portion that is not used to  
11 meet the reforestation requirements shall be returned to the constructing agency.]

12 (1) IN THIS SUBSECTION, "FUND" MEANS THE REFORESTATION FUND.

13 (2) THERE IS A REFORESTATION FUND IN THE DEPARTMENT.

14 (3) THE PURPOSE OF THE FUND IS TO FINANCE THE PLANTING OF  
15 TREES ON STATE OR OTHER PUBLICLY OWNED LANDS LOCATED IN THE COUNTY AND  
16 WATERSHED IN WHICH CONSTRUCTION PROJECTS GIVING RISE TO FUND  
17 CONTRIBUTIONS ARE LOCATED.

18 (4) THE DEPARTMENT SHALL ADMINISTER THE FUND.

19 (5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
20 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

21 (II) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND  
22 THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

23 (6) THE FUND CONSISTS OF:

24 (I) ANY MONEY RECEIVED FROM CONTRIBUTIONS BY A  
25 CONSTRUCTING AGENCY UNDER SUBSECTION (D) OF THIS SECTION; AND

26 (II) ANY INVESTMENT EARNINGS OF THE FUND.

27 (7) (I) THE FUND MAY BE USED ONLY TO:

28 1. PLANT TREES ON STATE OR OTHER PUBLICLY OWNED  
29 LANDS LOCATED IN THE COUNTY AND WATERSHED IN WHICH CONSTRUCTION  
30 PROJECTS GIVING RISE TO FUND CONTRIBUTIONS ARE LOCATED; OR

31 2. IF REFORESTATION CANNOT BE REASONABLY  
32 ACCOMPLISHED IN THE COUNTY AND WATERSHED IN WHICH THE CONSTRUCTION  
33 ACTIVITY IS LOCATED:

34 A. PLANT TREES ON STATE OR OTHER PUBLICLY OWNED  
35 LANDS LOCATED IN THE COUNTY OR IN THE WATERSHED IN THE STATE IN WHICH  
36 THE CONSTRUCTION ACTIVITY IS LOCATED; OR

1 B. PURCHASE CREDITS IN, ESTABLISH, OR MAINTAIN A  
2 FOREST MITIGATION BANK IN THE COUNTY OR WATERSHED IN WHICH THE  
3 CONSTRUCTION ACTIVITY IS LOCATED IN ACCORDANCE WITH DEPARTMENT  
4 REGULATIONS.

5 (II) 1. THE FUND MAY NOT BE USED TO FINANCE  
6 ADMINISTRATIVE ACTIVITIES ASSOCIATED WITH A MITIGATION BANK.

7 2. ANY CREDITS CREATED BY THE FUND MAY NOT BE SOLD  
8 TO COMPENSATE FOR ADDITIONAL FOREST IMPACTS.

9 (III) 1. THE DEPARTMENT SHALL ACCOMPLISH THE  
10 REFORESTATION FOR WHICH MONEY IS DEPOSITED IN THE FUND WITHIN 1 YEAR OR  
11 TWO GROWING SEASONS AFTER PROJECT COMPLETION, AS APPROPRIATE.

12 2. MONEY DEPOSITED IN THE FUND UNDER SUBSECTION (D)  
13 OF THIS SECTION SHALL REMAIN IN THE FUND FOR A PERIOD OF 1 YEAR OR TWO  
14 GROWING SEASONS, AND AT THE END OF THAT TIME PERIOD, ANY PORTION THAT IS  
15 NOT USED TO MEET THE REFORESTATION REQUIREMENTS SHALL BE RETURNED TO  
16 THE CONSTRUCTING AGENCY.

17 (8) (I) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN  
18 THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

19 (II) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE  
20 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
21 REMAIN IN THE FUND.

22 (9) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN  
23 ACCORDANCE WITH THE STATE BUDGET.

24 5-209.

25 (b) The Secretary shall promulgate rules and regulations regarding  
26 equipment standards and the operation of off-road vehicles by type, as defined in §  
27 10-410(d) of this article, on property owned or controlled by the Department. He shall  
28 conduct appropriate studies and, by January 1, 1975 he shall designate and identify  
29 areas for use by the general public for operation of motorcycles, snowmobiles and  
30 other off-road vehicles on that property exclusive of wildlife management areas or  
31 State fisheries management areas to the extent such use is compatible with the  
32 character and established uses of property controlled by the Department. Prior to  
33 March 31, 1976, every off-road vehicle to be used on Department of Natural  
34 Resources lands shall be registered and provided suitable identification by the  
35 Department of Natural Resources, which shall charge an annual uniform fee for all  
36 registrants, revenues derived from which shall be used to acquire and maintain areas  
37 for off-road vehicle use by the general public. REVENUES FROM THE FEE ARE NOT  
38 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AND ANY  
39 INVESTMENT EARNINGS FROM THE REVENUES MAY NOT BE TRANSFERRED OR  
40 REVERT TO THE GENERAL FUND OF THE STATE. Any property to be acquired or  
41 designated for off-road vehicle use shall be subject to a public hearing held in the

1 county or counties wherein the property is situated. However, no off-road vehicle may  
2 be permitted where its operation will damage the wildland character of the property  
3 or where the noise from its operation will be audible at or interfere with the use of a  
4 picnic or camping area open to public use.

5 5-212.

6 (A) IN THIS SECTION, "FUND" MEANS THE FOREST OR PARK RESERVE FUND.

7 (B) There is a Forest or Park Reserve Fund in the Department.

8 (C) THE PURPOSE OF THE FUND IS TO ENABLE THE DEPARTMENT TO  
9 PURCHASE AND MANAGE IN THE NAME OF THE STATE LANDS SUITABLE FOR FOREST  
10 CULTURE, RESERVES, WATERSHED PROTECTION, STATE PARKS, SCENIC PRESERVES,  
11 HISTORIC MONUMENTS, PARKWAYS, AND STATE RECREATIONAL RESERVES.

12 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

13 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
14 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

15 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
16 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

17 (F) THE FUND CONSISTS OF:

18 (1) Any money obtained from the State forest reserves, State parks,  
19 scenic reserves, parkways, historic monuments, and recreation areas[, together with  
20 any fine];

21 (2) REVENUE DISTRIBUTED TO THE FUND FROM FINES collected under §  
22 5-1302 of this title[, shall be paid into the Fund];

23 (3) REVENUE RECEIVED BY THE FUND UNDER § 5-207(B) OF THIS  
24 SUBTITLE; AND

25 (4) ANY INVESTMENT EARNINGS OF THE FUND.

26 (G) [Each county in which any State forest or park reserve is located shall be  
27 paid annually out of the Fund 15 percent of the revenue derived from the State forest  
28 or park reserve located in that county. Each county in which the forest or park reserve  
29 comprises 10 percent or more of the total land area of that county shall be paid  
30 annually out of the Fund a sum equal to 25 percent of the revenues derived from the  
31 State forest or park reserve located in that county.] THE FUND MAY BE USED ONLY  
32 FOR:

33 (1) PURCHASING AND MANAGING IN THE NAME OF THE STATE LANDS  
34 SUITABLE FOR FOREST CULTURE, RESERVES, WATERSHED PROTECTION, STATE  
35 PARKS, SCENIC PRESERVES, HISTORIC MONUMENTS, PARKWAYS, AND STATE  
36 RECREATIONAL RESERVES;

1 (2) ANNUAL PAYMENTS TO COUNTIES IN THE AMOUNT OF:

2 (I) IF THE STATE FOREST OR PARK RESERVE COMPRISES LESS  
3 THAN 10% OF THE TOTAL LAND AREA OF THE COUNTY, A SUM EQUAL TO 15% OF THE  
4 NET REVENUE DERIVED FROM THE STATE FOREST OR PARK RESERVE LOCATED IN  
5 THAT COUNTY; AND

6 (II) IF THE STATE FOREST OR PARK RESERVE COMPRISES 10% OR  
7 MORE OF THE TOTAL LAND AREA OF THE COUNTY, A SUM EQUAL TO 25% OF THE NET  
8 REVENUE DERIVED FROM THE STATE FOREST OR PARK RESERVE LOCATED IN THAT  
9 COUNTY.

10 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE  
11 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

12 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE  
13 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
14 REMAIN IN THE FUND.

15 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE  
16 WITH THE STATE BUDGET.

17 5-212.1.

18 (a) (1) In this section[, "concession operations"] THE FOLLOWING WORDS  
19 HAVE THE MEANINGS INDICATED.

20 (2) "ACCOUNT" MEANS THE FOREST OR PARK CONCESSION ACCOUNT.

21 (3) (I) "CONCESSION OPERATIONS" means activities within a State  
22 forest or park that:

23 [(i)] 1. Raise revenue;

24 [(ii)] 2. Function under a separate budget system; and

25 [(iii)] 3. Supplement the operation of the facility where it is  
26 located.

27 [(2)] (II) "Concession operations" includes:

28 [(i)] 1. Food concessions;

29 [(ii)] 2. Boat rentals;

30 [(iii)] 3. Gift shops;

31 [(iv)] 4. Marine sales;

32 [(v)] 5. Snack bars; and

1 [(vi)] 6. Camp stores.

2 (b) There is a Forest and Park Concession Account in the Department.

3 (C) THE PURPOSE OF THE ACCOUNT IS TO FINANCE:

4 (1) THE MAINTENANCE AND OPERATION OF CONCESSION OPERATIONS;  
5 AND

6 (2) THE FUNCTIONS OF STATE FORESTS AND PARKS.

7 (D) THE DEPARTMENT SHALL ADMINISTER THE ACCOUNT.

8 (E) (1) THE ACCOUNT IS A SPECIAL, NONLAPSING ACCOUNT THAT IS NOT  
9 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

10 (2) THE TREASURER SHALL HOLD THE ACCOUNT SEPARATELY AND THE  
11 COMPTROLLER SHALL RECONCILE THE ACCOUNT.

12 [(c)] (F) [Any] THE ACCOUNT CONSISTS OF ANY money derived from  
13 concession operations [shall be paid into the Forest and Park Concession Account] IN  
14 STATE FORESTS AND PARKS AND ANY INVESTMENT EARNINGS OF THE ACCOUNT.

15 [(d)] Each county in which any State forest or park is located shall be paid  
16 annually out of the Forest and Park Concession Account:

17 (1) If the State forest or park reserve comprises less than 10% of the total  
18 land area of the county, a sum equal to 15% of the net revenue derived from  
19 concession operations within a State forest or park located in that county; and

20 (2) If the State forest or park reserve comprises 10% or more of the total  
21 land area of the county, a sum equal to 25% of the net revenue derived from  
22 concession operations within a State forest or park located in that county.

23 (e)] (G) (1) Except as provided in [subsection (d) of this section]  
24 PARAGRAPH (2) OF THIS SUBSECTION, the [Forest and Park Concession] Account  
25 shall be used only for the:

26 [(1)] (I) Maintenance and operation of concession operations; and

27 [(2)] (II) Function of State forests and parks to the extent of the  
28 projected balance of the Account from the prior fiscal year.

29 (2) EACH COUNTY IN WHICH ANY STATE FOREST OR PARK IS LOCATED  
30 SHALL BE PAID ANNUALLY OUT OF THE ACCOUNT:

31 (I) IF THE STATE FOREST OR PARK RESERVE COMPRISES LESS  
32 THAN 10% OF THE TOTAL LAND AREA OF THE COUNTY, A SUM EQUAL TO 15% OF THE  
33 NET REVENUE DERIVED FROM CONCESSION OPERATIONS WITHIN A STATE FOREST  
34 OR PARK LOCATED IN THAT COUNTY; OR

1 (II) IF THE STATE FOREST OR PARK RESERVE COMPRISES 10% OR  
2 MORE OF THE TOTAL LAND AREA OF THE COUNTY, A SUM EQUAL TO 25% OF THE NET  
3 REVENUE DERIVED FROM CONCESSION OPERATIONS WITHIN A STATE FOREST OR  
4 PARK LOCATED IN THAT COUNTY.

5 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE ACCOUNT IN  
6 THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

7 (2) ANY INVESTMENT EARNINGS OF THE ACCOUNT MAY NOT BE  
8 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
9 REMAIN IN THE ACCOUNT.

10 [(f)] (I) (1) EXPENDITURES FROM THE ACCOUNT MAY BE MADE ONLY IN  
11 ACCORDANCE WITH THE STATE BUDGET.

12 (2) The budget submitted by the Governor to the General Assembly shall  
13 include the revenues and expenditures of the [Forest and Park Concession] Account  
14 in the same detail as other special fund accounts administered by the Department.

15 5-215.

16 (a) IN THIS SECTION, "FUND" MEANS THE DEEP CREEK LAKE RECREATION  
17 MAINTENANCE AND MANAGEMENT FUND.

18 (B) There is a Deep Creek Lake Recreation Maintenance and Management  
19 Fund in the Department for the maintenance and management of the land,  
20 recreational facilities, and services that are related to Deep Creek Lake in Garrett  
21 County.

22 [(b)] (C) (1) Except as provided in paragraph (2) of this subsection, the  
23 Department shall pay all fees collected for boat launching at Deep Creek Lake State  
24 Park, [and] all funds collected from lake and buffer use permits, contracts, grants,  
25 and gifts as a result of the Deep Creek Lake management program, AND ANY  
26 INVESTMENT EARNINGS OF THE FUND, into the [Deep Creek Lake Recreation  
27 Maintenance and Management] Fund.

28 (2) At the end of each quarter of the fiscal year, the Department shall  
29 pay 25% of the total revenue collected during the quarter under paragraph (1) of this  
30 subsection to the Board of County Commissioners of Garrett County.

31 (3) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
32 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

33 (II) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE  
34 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
35 REMAIN IN THE FUND.

36 [(c)] (D) Unless there is an agreement between the Secretary and the Deep  
37 Creek Lake Policy and Review Board as to a proposed change, the fee for issuance and

1 processing of any permit covered under subsection [(b)] (C) of this section may not be  
2 changed.

3 [(d)] (E) (1) Before the Department and the Deep Creek Lake Policy and  
4 Review Board may change any fee for the issuance and processing of any permit  
5 covered under subsection [(b)] (C) of this section, the Secretary shall hold a public  
6 hearing in Garrett County.

7 (2) Notice of the public hearing shall be published in two newspapers of  
8 general circulation in Garrett County at least 30 days before the hearing.

9 (3) The notice shall include the proposed change in the fee and the  
10 reason for the fee.

11 [(e)] (F) (1) A person may apply to the Department for a lake and buffer use  
12 permit.

13 (2) A person who is aggrieved by a decision of the Department to issue or  
14 deny a lake and buffer use permit may seek judicial review of the decision in  
15 accordance with Title 10, Subtitle 2 of the State Government Article.

16 5-307.

17 (a) IN THIS SECTION, "FUND" MEANS THE WOODLAND INCENTIVES FUND.

18 (B) There is a [special fund known as the] Woodland Incentives Fund IN THE  
19 DEPARTMENT.

20 (C) THE PURPOSE OF THE FUND IS TO FINANCE THE WOODLAND INCENTIVES  
21 PROGRAM AND THE COST-SHARE ASSISTANCE ESTABLISHED UNDER THIS SUBTITLE.

22 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

23 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
24 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

25 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
26 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

27 [(b)] (F) The [Woodland Incentives] Fund [shall consist] CONSISTS of:

28 (1) As provided in § 13-306 of the Tax - Property Article, up to \$200,000  
29 annually of the proceeds of the tax imposed by § 13-302 of the Tax - Property Article  
30 that are attributable to the taxation of instruments of writing that transfer title to  
31 parcels of land that are entirely woodland; [and]

32 (2) Revenues collected by the Department from the payment of charges  
33 imposed for Department assistance in implementation of an approved practice; AND

34 (3) ANY INVESTMENT EARNINGS OF THE FUND.

1 [(c)] (G) The Department shall use the [Woodland Incentives] Fund to help  
2 fund the Woodland Incentives Program and the cost-share assistance [provided for  
3 in] ESTABLISHED UNDER this subtitle.

4 [(d)] Any unexpended funds remaining in the Woodland Incentives Fund at the  
5 end of the fiscal year may not revert to the General Fund of the State.]

6 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE  
7 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

8 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE  
9 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
10 REMAIN IN THE FUND.

11 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE  
12 WITH THE STATE BUDGET.

13 5-908.

14 (A) IN THIS SECTION, "FUND" MEANS THE FAIR HILL IMPROVEMENT FUND.

15 (B) There is a Fair Hill Improvement Fund in the Department, to be used for  
16 the operation, maintenance, development, and improvement of the Fair Hill facilities  
17 at Fair Hill, Maryland.

18 (C) Any money obtained by the Department from Fair Hill shall be credited to  
19 the [Fair Hill Improvement] Fund.

20 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
21 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

22 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE  
23 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
24 REMAIN IN THE FUND.

25 5-908.1.

26 (A) IN THIS SECTION, "FUND" MEANS THE SOMERS COVE MARINA  
27 IMPROVEMENT FUND.

28 (B) There is a Somers Cove Marina Improvement Fund in the Department, to  
29 be used for the operation, maintenance, development, and improvement of the Somers  
30 Cove Marina facilities in Crisfield, Maryland.

31 (C) Any money obtained by the Department from Somers Cove Marina shall  
32 be credited to the [Somers Cove Marina Improvement] Fund.

33 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
34 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE  
2 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
3 REMAIN IN THE FUND.

4 5-909.

5 (A) IN THIS SECTION, "FUND" MEANS THE NATURAL RESOURCES PROPERTY  
6 MAINTENANCE FUND.

7 (B) The Natural Resources Property Maintenance Fund is created within the  
8 Department to be used for the maintenance, repair, and management of property  
9 owned by the Department.

10 (C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
11 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

12 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE  
13 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
14 REMAIN IN THE FUND.

15 5-1610.

16 (a) IN THIS SECTION, "FUND" MEANS THE FOREST CONSERVATION FUND.

17 (B) There is a Forest Conservation Fund in the Department.

18 [(b)] (C) Except as provided in subsection [(g)] (H) of this section, if any  
19 person subject to this subtitle demonstrates to the satisfaction of the appropriate  
20 State or local [authority,] AUTHORITY that the requirements for reforestation or  
21 afforestation on-site or off-site cannot be reasonably accomplished, the person shall  
22 contribute money at a rate of 10 cents per square foot of the area of required planting  
23 to the [Forest Conservation] Fund.

24 [(c)] (D) Money collected by the State or a local authority under § 5-1608(c) or  
25 § 5-1612 of this subtitle for noncompliance with this subtitle or regulations adopted  
26 under this [subtitle,] SUBTITLE or for noncompliance with a forest conservation plan  
27 or the associated 2-year management agreement, AND ANY INVESTMENT EARNINGS  
28 OF THE FUND, shall be deposited in the [Forest Conservation] Fund.

29 [(d)] (E) (1) The Department shall accomplish the reforestation or  
30 afforestation for which the money is deposited within 2 years or 3 growing seasons, as  
31 appropriate, after receipt of the money.

32 (2) Money deposited in the [Forest Conservation] Fund under  
33 subsection [(b)] (C) of this section shall remain in the Fund for a period of 2 years or  
34 3 growing seasons, and at the end of that time period, any portion that has not been  
35 used to meet the afforestation or reforestation requirements shall be returned to the  
36 person who provided the money to be used for documented tree planting in the same  
37 county or watershed beyond that required by this subtitle or other applicable  
38 statutes.

1 [(e)] (F) (1) (I) Money deposited in the Fund under subsection [(b)] (C) of  
2 this section may only be spent on reforestation and afforestation, including site  
3 identification, acquisition, and preparation, and may not revert to the General Fund  
4 of the State.

5 (II) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE  
6 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
7 REMAIN IN THE FUND.

8 (2) (i) Except as provided in subparagraph (ii) or (iii) of this  
9 paragraph, the reforestation or afforestation requirement under this subsection shall  
10 occur in the county and watershed in which the project is located.

11 (ii) If the reforestation or afforestation cannot be reasonably  
12 accomplished in the county and watershed in which the project is located, then the  
13 reforestation or afforestation shall occur in the county or watershed in the State in  
14 which the project is located.

15 (iii) If the reforestation or afforestation cannot be reasonably  
16 accomplished in the county or watershed in which the project is located, then the  
17 reforestation or afforestation shall be accomplished through purchase of credits in,  
18 establishment, or maintenance of a forest mitigation bank in accordance with  
19 regulations of the Department. The Reforestation Fund may not be used to finance  
20 administrative activities associated with a mitigation bank and any credits created by  
21 the Reforestation Fund may not be sold to compensate for additional forest impacts.

22 [(f)] (G) Money deposited in the Fund under subsection [(c)] (D) of this  
23 section may be used by the Department for the purpose of implementing this subtitle.

24 [(g)] (H) In lieu of a State Forest Conservation Fund, any local authority with  
25 an approved forest conservation program may establish a forest conservation fund, to  
26 be administered by the local authority, to allow a payment by any person who has  
27 demonstrated to the satisfaction of the local authority that the requirements for  
28 reforestation and afforestation on-site and off-site cannot be reasonably  
29 accomplished. The rate shall be 10 cents per square foot of the area required to be  
30 replanted.

31 [(h)] (I) Money deposited in the local forest conservation fund under  
32 subsection [(g)] (H) of this section shall remain in the fund for a period of 2 years or  
33 3 growing seasons. At the end of that time period, any portion that has not been used  
34 to meet the afforestation or reforestation requirements shall be returned to the  
35 person who provided the money to be used for documented tree planting in the same  
36 county or watershed beyond that required by this subtitle or other applicable  
37 statutes.

38 [(i)] (J) (1) (I) Money deposited in the local forest conservation fund under  
39 subsection [(g)] (H) of this section may only be spent on reforestation and  
40 afforestation, including the costs directly related to site identification, acquisition,  
41 prepurchase, and preparation, and may not revert to any other local general fund.

1 (II) ANY INVESTMENT EARNINGS OF A LOCAL FOREST  
2 CONSERVATION FUND MAY NOT BE TRANSFERRED OR REVERT TO ANY OTHER LOCAL  
3 GENERAL FUND, BUT SHALL REMAIN IN THE LOCAL FOREST CONSERVATION FUND.

4 (2) (i) Except as provided in subparagraph (ii) or (iii) of this  
5 paragraph, the reforestation or afforestation requirement under this subsection shall  
6 occur in the county and watershed in which the project is located.

7 (ii) If the reforestation or afforestation cannot be reasonably  
8 accomplished in the county and watershed in which the project is located, then the  
9 reforestation or afforestation shall occur in the county or watershed in the State in  
10 which the project is located.

11 (iii) If the reforestation or afforestation cannot be reasonably  
12 accomplished in the county or watershed in which the project is located, then the  
13 reforestation or afforestation shall be accomplished through purchase of credits in,  
14 establishment, or maintenance of a forest mitigation bank in accordance with  
15 regulations of the local forest conservation program. The Reforestation Fund may not  
16 be used to finance administrative activities associated with a mitigation bank and  
17 any credits created by the Reforestation Fund may not be sold to compensate for  
18 additional forest impacts.

19 [(j)] (K) Money collected by the local authority under § 5-1608(c) of this  
20 subtitle for noncompliance with this subtitle or regulations or ordinances adopted  
21 under this subtitle for noncompliance with a forest conservation plan or the  
22 associated 2-year management agreement, AND ANY INVESTMENT EARNINGS OF  
23 THE LOCAL FOREST CONSERVATION FUND, shall be deposited in the local fund. The  
24 rate shall be 30 cents per square foot of the area found to be in noncompliance with  
25 the required forest conservation.

26 [(k)] (L) Money deposited in a local forest conservation fund under subsection  
27 [(j)] (K) of this section may be used by the local authority for purposes related to  
28 implementing this subtitle.

29 8-723.

30 [(a) Any fee and other revenue the Department collects under authority of this  
31 subtitle, and any other available income, shall be deposited in the State Treasury and  
32 used exclusively for the administration, functions, and objectives of this subtitle.  
33 These funds are credited to the Department.

34 (b) The Department may use the funds credited to its accounts to purchase,  
35 rent, and operate any equipment necessary to accomplish the purposes of this  
36 subtitle, within budgetary limitations.

37 (c) Subject to available income, the Department may employ necessary  
38 personnel subject to the provisions of the State Personnel and Pensions Article.]

39 (A) IN THIS SECTION, "FUND" MEANS THE STATE BOAT ACT FUND.

1 (B) THERE IS A STATE BOAT ACT FUND IN THE DEPARTMENT.

2 (C) THE SECRETARY SHALL ADMINISTER THE FUND.

3 (D) (1) THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND THAT IS  
4 NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

5 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
6 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

7 (3) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME  
8 MANNER AS OTHER STATE FUNDS.

9 (E) UNLESS OTHERWISE PROVIDED, THE FUND CONSISTS OF:

10 (1) EXCEPT AS PROVIDED IN § 8-716(H) OF THIS SUBTITLE, MONEYS  
11 RECEIVED FROM ANY FEE AND OTHER REVENUE THE DEPARTMENT COLLECTS  
12 UNDER AUTHORITY OF THIS SUBTITLE;

13 (2) ANY INVESTMENT EARNINGS GENERATED BY THE FUND;

14 (3) MONEYS APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

15 (4) ANY MONEYS RECEIVED AND ACCEPTED AS GIFTS, CONTRIBUTIONS,  
16 OR GRANTS.

17 (F) THE DEPARTMENT SHALL USE THE FUND:

18 (1) FOR THE ADMINISTRATION OF THIS SUBTITLE; AND

19 (2) TO COVER THE COSTS OF FULFILLING THE DUTIES AND  
20 RESPONSIBILITIES OF THE DEPARTMENT UNDER THIS TITLE.

21 [(d)] (G) Within the limits of funds available, the Department may enter into  
22 any agreement with the federal government, any municipality or other political  
23 subdivision of the State, or any private agency to share the cost of any development,  
24 construction, or improvement of waterways or of facilities determined to have  
25 beneficial value to the boating public.

26 (H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE  
27 WITH THE STATE BUDGET.

28 8-1005.

29 (a) (1) There is a "Shore Erosion Control Construction Loan Fund". The  
30 Department shall administer the Fund to provide interest-free loans or grants to  
31 persons, municipalities, or counties for design and construction of shore erosion  
32 control projects. The Fund shall be maintained by:

33 (i) Repayments of principal on loans made from the Fund, with the  
34 repayments made through a benefit charge the State levies on privately owned

1 property benefited by shore erosion control projects. The benefit charge shall  
2 compensate the State for net project construction cost. The benefit charge shall be  
3 levied at a uniform rate over a period not exceeding 25 years;

4 (ii) Repayment of administrative costs under § 8-1004 of this  
5 subtitle; [and]

6 (iii) ANY INVESTMENT EARNINGS GENERATED BY THE FUND; AND

7 (IV) Annual appropriation of funds to restore the Fund to a level  
8 sufficient to carry out an effective shore erosion control construction loan program  
9 during the succeeding year.

10 (2) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
11 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

12 (II) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE  
13 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
14 REMAIN IN THE FUND.

15 (3) A property owner whose project is approved is eligible to receive an  
16 interest-free loan covering 100% of the first \$60,000 of project construction cost, 50%  
17 of the next \$20,000 of project construction cost, 25% of the next \$20,000 of project  
18 construction cost, and 10% of the part of construction cost exceeding \$100,000.  
19 However, where 2 or more property owners are included within a shore erosion  
20 control project, the land of each property owner is considered a separate shore erosion  
21 project for the purpose of computing net project construction cost under this formula.

22 (b) During the first month of each fiscal year, the Department shall submit to  
23 the Department of Budget and Management:

24 (1) An estimate of the amount of revenues the Fund expects to receive  
25 from repayment of outstanding loans; and

26 (2) The amount of funds required to reestablish an adequate balance in  
27 the Fund to make loans during the next fiscal year.

28 (c) If it appears reasonably likely that funds will be available for an approved  
29 shore erosion control project, the Department shall develop complete plans,  
30 specifications, and all information necessary to solicit firm bids for construction of the  
31 project. After selection of a contractor, in accordance with normal competitive bidding  
32 procedures, the Department shall advise the property owner of the estimated cost for  
33 the completion of all work. The property owner then may elect to abandon the project,  
34 and forfeit any initial deposit required under the regulations of the Department.

35 (d) (1) If, after completion of the procedures required under subsection (c) of  
36 this section, the property owner decides to proceed with the project, the provisions of  
37 this subsection shall apply.

1           (2)     The property owner shall execute a written notice to proceed, on a  
2 form provided by the Department, and shall pay any property owner's cash  
3 contribution required under this subtitle. This action shall constitute an irrevocable  
4 commitment by the property owner to completion of the project in accordance with the  
5 provisions of this subtitle, including authorization for the Department to incur costs  
6 up to 10% in excess of the estimated cost above.

7           (3)     Any excess costs within the 10% limit may not act to increase the  
8 property owner's cash contribution, but shall be included in the net project  
9 construction cost for purposes of assessing benefit charges at the conclusion of the  
10 project.

11          (4)     The Department at this time shall cause a notice of lien to be  
12 recorded among the land records of the county where the benefited property is  
13 located. The notice generally shall describe the provisions of § 8-1006 of this subtitle  
14 regarding lien priority and the assumption of liability by a purchaser of a benefited  
15 property.

16          (5)     The Department shall award a construction contract for the project,  
17 shall supervise actual construction work, and shall make reasonable efforts to ensure  
18 that the project is completed in accordance with all specifications and in a manner  
19 that conforms to normal industry practice. In this regard, the Department alone shall  
20 be responsible, in its own discretion, for negotiating any changes in the construction  
21 contract and for determining when the project is satisfactorily complete in all  
22 respects.

23          (6)     On completion of the project, the Department shall:

24                 (i)     Endorse any property owner's cash contribution to the credit of  
25 the contractor; and

26                 (ii)    Pay the balance due the contractor from the Fund.

27          (7)     Within 30 days of completion of the project, the Department shall  
28 certify to the Board of Public Works the net project construction cost. The Board of  
29 Public Works shall levy a benefit charge in accordance with the provisions of § 8-1006  
30 of this subtitle.

31          (e)     Costs to maintain shore erosion control projects are the sole responsibility  
32 of the benefited property owner. The Department periodically shall inspect these  
33 projects to recommend to the property owner any measures required to maintain the  
34 project.

35          (f)     Any county or any municipal corporation may borrow interest-free funds  
36 from the Fund for any approved project without the project construction cost  
37 limitation stated in this section. The county or municipal corporation shall repay the  
38 funds at a uniform rate over a period not exceeding 25 years as stated by agreement  
39 between the State and county or municipal corporation.

1 (g) The Department shall include in its budget a request for funds necessary  
2 to provide and maintain shore erosion protection for State-owned properties.

3 10-209.

4 [There is a State Wildlife Management and Protection Fund in the Department.  
5 Any money accruing to the Fund from any license, stamp, application, or permit fee  
6 provided in this title shall be credited, unless otherwise provided, to this Fund and  
7 used only for the scientific investigation, protection, propagation, and management of  
8 wildlife.]

9 (A) IN THIS SECTION, "FUND" MEANS THE STATE WILDLIFE MANAGEMENT  
10 AND PROTECTION FUND.

11 (B) THERE IS A STATE WILDLIFE MANAGEMENT AND PROTECTION FUND IN  
12 THE DEPARTMENT.

13 (C) THE PURPOSE OF THE FUND IS TO FINANCE THE SCIENTIFIC  
14 INVESTIGATION, PROTECTION, PROPAGATION, AND MANAGEMENT OF WILDLIFE.

15 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

16 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
17 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

18 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
19 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

20 (F) THE FUND CONSISTS OF:

21 (1) ANY MONEY RECEIVED FOR A LICENSE, STAMP, APPLICATION, OR  
22 PERMIT FEE UNDER THIS TITLE, UNLESS OTHERWISE PROVIDED; AND

23 (2) ANY INVESTMENT EARNINGS OF THE FUND.

24 (G) THE FUND MAY BE USED FOR THE SCIENTIFIC INVESTIGATION,  
25 PROTECTION, PROPAGATION, AND MANAGEMENT OF WILDLIFE.

26 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE  
27 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

28 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE  
29 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
30 REMAIN IN THE FUND.

31 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE  
32 WITH THE STATE BUDGET.

1 10-301.

2 (n) (1) IN THIS SUBSECTION, "FUND" MEANS THE UPLAND WILDLIFE  
3 HABITAT FUND.

4 (2) There is an Upland Wildlife Habitat Fund in the Department.

5 (3) THE PURPOSE OF THE FUND IS TO FACILITATE THE  
6 IMPLEMENTATION AND MANAGEMENT OF UPLAND HABITAT PROGRAMS.

7 (4) THE DEPARTMENT SHALL ADMINISTER THE FUND.

8 (5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
9 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

10 (II) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND  
11 THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

12 [(2)] (6) The Fund consists of:

13 (i) Voluntary contributions made to the [Upland Wildlife Habitat]  
14 Fund at the time of purchase of a hunting license under this section; [and]

15 (ii) Any other donations made to the Fund; AND

16 (III) ANY INVESTMENT EARNINGS OF THE FUND.

17 [(3)] The Secretary shall administer the Fund.

18 (4) The Fund may be used only as provided in this subsection.

19 (5) The Fund is a special, nonlapsing fund that is not subject to § 7-302  
20 of the State Finance and Procurement Article.

21 (6) The Fund shall be invested and reinvested in the same manner as  
22 other State funds. Any investment earnings of the Fund may not be transferred or  
23 revert back to the General Fund, but shall remain in the Fund to be used for purposes  
24 specified in this subsection.]

25 (7) (I) [The Secretary shall use the Fund to] THE FUND MAY BE USED  
26 ONLY FOR:

27 [(i)] 1. [Provide] PROVIDING cost-share assistance to  
28 landowners for planting upland wildlife habitat;

29 [(ii)] 2. [Provide] PROVIDING matching funds to acquire grant  
30 funding for upland wildlife habitat programs;

31 [(iii)] 3. [Hire] HIRING contractual staff to implement upland  
32 wildlife habitat programs in the State; and

1                    [(iv)]    4.    [Promote] PROMOTING the [Upland Wildlife Habitat]  
2 Fund and upland wildlife habitat programs.

3                    [(8)]    (II)    The Secretary may prioritize the duties under [paragraph (7) of  
4 this subsection] SUBPARAGRAPH (I) OF THIS PARAGRAPH to maximize the  
5 effectiveness of upland wildlife habitat programs.

6                    [(9)]    (III)    A designated person who sells hunting licenses under this  
7 section and who also collects donations for the [Upland Wildlife Habitat] Fund may  
8 retain as compensation 10% of each donation the person receives.

9                    (8)    (I)    THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN  
10 THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

11                    (II)    ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE  
12 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
13 REMAIN IN THE FUND.

14                    (9)    EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN  
15 ACCORDANCE WITH THE STATE BUDGET.

16    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 July 1, 2004.